

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1647**  
**96TH GENERAL ASSEMBLY**

5603L.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 292.606, RSMo, and to enact in lieu thereof one new section relating to the Missouri Emergency Response Commission.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 292.606, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 292.606, to read as follows:

292.606. 1. Fees shall be collected for a period of [twenty] **six** years from August 28, [1992] **2012**.

2. (1) Any employer required to report under subsection 1 of section 292.605, except local governments and family-owned farm operations, shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, if such person, firm or corporation is paying fees under the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such federal fees from those fees owed to the state under the provisions of this subsection. If the federal fees exceed or are equal to what would otherwise be owed under this subsection, such employer shall not be liable for state fees under this subsection. In relation to petroleum products "primary business" shall mean that the person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline, are considered to be one product,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 and all varieties of motor lubricating oil are considered to be one product. For the purposes of  
20 this section "facility" shall mean all buildings, equipment, structures and other stationary items  
21 that are located on a single site or on contiguous or adjacent sites and which are owned or  
22 operated by the same person. If more than three hazardous substances or mixtures are reported  
23 on the Tier II form, the employer shall submit an additional twenty-dollar fee for each hazardous  
24 substance or mixture. Fees collected under this subdivision shall be for each hazardous chemical  
25 on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances  
26 on hand at any one time in excess of five hundred pounds or the threshold planning quantity,  
27 whichever is less, or for explosives or blasting agents on hand at any one time in excess of one  
28 hundred pounds. However, no employer shall pay more than ten thousand dollars per year in  
29 fees. [Except] Moneys acquired through litigation **and any administrative fees paid pursuant**  
30 **to subsection 3 of this section** shall not [apply to] **be applied toward** this cap;

31 (2) Employers engaged in transporting hazardous materials by pipeline except local gas  
32 distribution companies regulated by the Missouri Public Service Commission shall pay to the  
33 commission a fee of two hundred fifty dollars for each county in which they operate;

34 (3) Payment of fees is due each year by March first. A late fee of ten percent of the total  
35 owed, plus one percent per month of the total, may be assessed by the commission;

36 (4) If, on March first of each year, fees collected under this section and natural resources  
37 damages made available pursuant to section 640.235 exceed one million dollars, any excess over  
38 one million dollars shall be proportionately credited to fees payable in the succeeding year by  
39 each employer who was required to pay a fee and who did pay a fee in the year in which the  
40 excess occurred. The limit of one million dollars contained herein shall be reviewed by the  
41 commission concurrent with the review of fees as required in subsection 1 of this section.

42 **3. Beginning January 1, 2013, any employer filing its Tier II form pursuant to**  
43 **subsection 1 of section 292.605 may request that the commission distribute that employer's**  
44 **Tier II report to the local emergency planning committees and fire departments listed in**  
45 **its Tier II report. Any employer opting to have the commission distribute its Tier II report**  
46 **shall pay an additional fee of ten dollars for each facility listed in the report at the time of**  
47 **filing to recoup the commission's distribution costs. Fees shall be deposited in the chemical**  
48 **emergency preparedness fund established under section 292.607. An employer who pays**  
49 **the additional fee and whose Tier II report includes all local emergency planning**  
50 **committees and fire departments required to be notified under subsection 1 of section**  
51 **292.605 shall satisfy the reporting requirements of subsection 1 of section 292.605. The**  
52 **commission shall develop a mechanism for an employer to exercise its option to have the**  
53 **commission distribute its Tier II report.**

54           **4.** Local emergency planning committees receiving funds under section 292.604 shall  
55 coordinate with the commission and the department in chemical emergency planning, training,  
56 preparedness, and response activities. Local emergency planning committees receiving funds  
57 under this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section  
58 640.235 shall provide to the commission an annual report of expenditures and activities.

59           **[4.] 5.** Fees collected by the department and all funds provided to local emergency  
60 planning committees shall be used for chemical emergency preparedness purposes as outlined  
61 in sections 292.600 to 292.625 and the federal act, including contingency planning for chemical  
62 releases; exercising, evaluating, and distributing plans, providing training related to chemical  
63 emergency preparedness and prevention of chemical accidents; identifying facilities required to  
64 report; processing the information submitted by facilities and making it available to the public;  
65 receiving and handling emergency notifications of chemical releases; operating a local  
66 emergency planning committee; and providing public notice of chemical preparedness activities.  
67 Local emergency planning committees receiving funds under this section may combine such  
68 funds with other local emergency planning committees to further the purposes of sections  
69 292.600 to 292.625, or the federal act.

70           **[5.] 6.** The commission shall establish criteria and guidance on how funds received by  
71 local emergency planning committees may be used.

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